

VIRGINIA CODE COMMISSION

Wednesday, November 28, 2007 – 10 a.m.

General Assembly Building, 6th Floor

Speakers Conference Room

Richmond, Virginia 23219

MEMBERS PRESENT: R. Steven Landes, Chairman; John S. Edwards; Ryan McDougale; James F. Almand; Thomas M. Moncure, Jr.; Frank S. Ferguson; E.M. Miller, Jr.

MEMBERS ABSENT: Robert Hurt, Robert L. Calhoun; S. Bernard Goodwyn

OTHERS PRESENT: Donna Pugh Johnson, Virginia Agribusiness Council; Martha Moore, Virginia Farm Bureau; Rebecca Askew, Department of Agriculture and Consumer Services; Lawrence Getzler, Department of Planning and Budget; Leigh Trippe and Leslie Ostrander, LexisNexis.

STAFF PRESENT: Marty Farber, Ellen Porter, Jane Chaffin

CALL TO ORDER

Delegate Landes called the meeting to order at 10:05 a.m.

APPROVAL OF MINUTES

Mr. Moncure offered a correction to the October meeting minutes. Lines 10 through 13 of page 4 should be amended to read, "The Commission discussed the use of 'provided, that' and, as a matter of policy, directed staff to eliminate the comma between the words 'provided' and 'that'." Mr. Moncure made a motion to approve the minutes, as amended. Senator McDougale seconded the motion and the motion was approved.

APPROVAL OF TITLE 3.1 RECODIFICATION

Marty Farber explained the Title 3.1 recodification executive summary and structure of final report. The report describes the structure of the recodification, which is divided into five subtitles:

- Subtitle I contains all general provisions and definitions that apply throughout the entire title.
- Subtitle II deals with various collegial bodies and is divided into four parts: Part A lists special funds and associated collegial bodies; Part B deals with commodity boards; Part C consists of five chapters dealing with councils and foundations that are not commodity boards (i.e., referendums are not held); Part C sets out the Wine Board, which is the only body within the title that is given authority to raise money through its events; and Part D sets out the Tobacco Indemnification Commission.
- Subtitle III deals with the system of grading and licensing various products and the people who handle those products.
- Subtitle IV provides for food safety and consumer protection of foods through weights and measures or sanitation.
- Subtitle V deals with domestic animals and includes the state veterinarian responsibilities, livestock and poultry provisions, cattle branding, liability provisions dealing with ox and equine, and comprehensive animal laws.

The report charts provisions moved to other chapters. Chapter 5.2 and 5.3 are completely repealed chapters that appear at the end of text. Staff asked whether to include stricken chapters and the Commission decided to cross reference repealed chapters in a separate appendix to the report.

The last section of the Executive Summary deals with global changes, such as changing the phrase "courts of competent jurisdiction" to "appropriate court."

Ellen Porter stated that she has carefully reviewed all minutes with regard to the recodification and has incorporated all changes requested by the Commission. She indicated that comparison tables cross referencing sections from Title 3.1 to Title 3.2 and from Title 3.2 to Title 3.1 will be included in the final report.

Senator Edwards made a motion, seconded by Senator McDougle, to approve the final report. The Commission approved the motion.

CODE OF VIRGINIA 2008 PRICING AND REPLACEMENT VOLUMES PROPOSAL

Leslie Ostrander and Leigh Trippe with LexisNexis presented the Code of Virginia proposed replacement volume options and a pricing proposal reflecting a 4% increase. Mr. Miller commented that Volume 1 is large and difficult to manage and suggested splitting Volume 1 into two volumes—the first volume would be an unnumbered volume containing the United States and Virginia constitutions with annotations and the second volume would be numbered "1" and contain Titles 1 and 2.2. After discussion, Mr. Miller made a motion to replace and add a total of six volumes as follows:

- Split Volume 1 into two volumes by adding an unnumbered volume containing the constitutions with annotations and Volume 1 containing Titles 1 and 2.2
- Volume 1A (Title 3.2), contingent on the passage of the Title 3.1 recodification legislation
- Volume 3A (Counties, Cities and Towns)
- Split 4A into two volumes by adding a new Volume 4B. Title 4A will contain Title 19.2 (Criminal Procedure) and Title 4B will contain Titles 20 (Domestic Relations) and 21 (Drainage, Soil Conservation, etc.)

Senator Edwards seconded the motion and the motion was approved.

Ms. Ostrander indicated that the pricing proposal only takes into consideration replacing a maximum of five volumes. She stated that the replacement of six volumes would reduce the cost of the supplement price by \$14 for state purchases and \$17 for private purchases. Also, since the Constitution volume will be thin, a lesser price will be charged for that volume than for the other five replacement volumes.

Senator Edwards made a motion, seconded by Senator McDougle, to approve the pricing proposal as follows:

	2008 Proposal with Six Replacement Volumes	
	State	Private
Cumulative Supplements	\$118.00	\$154.00
Index	\$ 64.00	\$ 69.00
Replacement Volumes (5*)	\$170.00	\$ 215.00
	(\$34 each)	(\$43 each)
Constitution Volume*	\$ 29.00	\$ 38.00
Volume 11	\$ 26.00	\$ 34.00
Volume 11 Supplement	\$ 8.00	\$ 8.00
Advanced Code Service		\$ 50.00
TOTAL	\$415.00	\$568.00

*Total 6 volumes

The motion was approved.

Mr. Moncure stated that the preface in Volume 1 is outdated and offered to update it and circulate a draft for feedback from Commission members.

Mr. Moncure also mentioned that he would like to ask LexisNexis representatives to look into the feasibility of a facsimile publication of the two-volume Code of 1819, which was the first legislatively adopted code. Leigh Trippe agreed to follow up on this matter.

WORK PLAN DISCUSSION

Mr. Miller advised the members that the Virginia Register printing agreement between LexisNexis and the Code Commission will expire in June 2008 and the administrative code print and CD-ROM contract between Thomson-West and the Commission will expire on December 31, 2008. Both of these contracts contain extension options, but the Commission will need to address these contracts next year. Also, the Commission should review the Commission's contract with LexisNexis that expires in 2009. The Commission currently receives approximately 700 complimentary copies of Code of Virginia supplements and replacement volumes that are distributed to various entities as determined by the Commission. If it becomes necessary to purchase these codes in the future, an appropriation to cover the purchase must be requested.

Title 6.1, Banking and Finance, is the Code of Virginia title that will be revised in 2008. The Chairman stated that a discussion about whether to add Titles 18.2, 19.2 and 16.1 to the Commission's long-term work plan will be discussed.

PUBLIC COMMENT

No one came forward during the designated public comment period.

OTHER BUSINESS AND ADJOURNMENT

Delegate Landes will carry the title revision legislation and the related legislation to repeal a section of Title 3.1.

The Chair advised the members that two new members are expected to be appointed. The Governor will make the appointment to fill the vacancy left by Justice Goodwyn's departure and the Speaker will make the appointment to replace Delegate Hurt who won his district's Senate seat.

106 There being no further business to come before the Commission, the meeting adjourned at
107 11:40 a.m.